

N.Y.S.D. Case #  
21-mc-100(AKH)

# MANDATE

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 5<sup>th</sup> day of July, two thousand and eleven,

Sarah Atlas, Christopher Baumann, Ruben Berrios, Donald Bigi, Enis Boyer, Eric Brzostek, Gary Cali, Thomas Callaghan, Luis Carpio, Raymond Cascio, Regina Cervantes, Thomas J. Clarke, Anthony Conti, Mitchell Coto, Joseph Cutrone, John Dadabo, Kevin Delano, John DeMartino, Jr., Kevin Doherty, Richard Estreicher, Andrew Finn, Vincent Forras, Anthony Gallo, Robert Gayer, Frank Giaramita, Steven Guise, Brian Hanberry, Jeffrey Howell, Bill Keegan, Donald Kennedy, Suzanne Lester, Patricia Lewis, Joseph Libretti, Glenn Makuch, Julio Marrero, Marc Mastros, Kenneth McCormick, Robert McGrory, Timothy McInerney, Henry Miano, Timothy Morley, Brian Murphy, Paul Murphy, Joseph Napoli, James O Keefe, Girard Owens, Edward Parker, William Piatti, Thomas Reilly, Terrence Revella, David Rivas, John Rizzi, George Samuels, Brenda Spencer, Vincent Tesieriro, Sean Veerapen, Kodengada Viswamithra, Charles Wilson, Katherine Zarr,

Plaintiffs - Appellants,

v.

Noah H. Kushlefsky,

Appellee,

John Montalvo, Marion S. Mishkin, of counsel Noice of appearance to Sacks & Sacks, Phyllis Costarella, Joseph Falcone, Lenny Dinotte, Cliff Carty, Kathleen Carty,

## ORDER

Docket Number: 11-942

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**DATE FILED:** January 11, 2012

MANDATE ISSUED ON 01/10/2012

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Rosario Gallagher, Robert Garrett, William Scharp, Carol Gavitt, Heidi Scheiner, Joseph Scotti, Joseph Gavitt, Lisa Scotti, Steven Stefanakos, Thomas Gillam, Ann Towpash, Francesca Gillam, Patricia Hawkins, Robert Tucker, Scott Hawkins, Eric Wuss, Anna Maria Hubner, Staci Wuss, Vincent Hubner, Barbara Kadnar, Mary DeSimone, Joseph DeSimone, James A. Kadnar, Derek Kelly, Annette Misichia, Frank Misichia, Catherine Lang, Allison Poliseno, James Lang, Caroline Lavin, Nicholas Poliseno, Michael Lavin, Charles Rice, Jeffrey Rivera, Alfred Luchetti, Kenneth Rodriguez, Mary Ellen Luchetti, Frank Malone, Kevin Mongiello, Dennis McConville, Kevin Brannick, Wayne Brown, Gail McConville, James McHugh, Robert Carannante, Margret McHugh, Victor Carpentier, Alan Ceserano, Kenneth Miccio, Michael Conlon, Cathy Mongiello, Phyliss Costarella, Kevin Mongiello, Gerald Damitz, Laura Morello, Anthony Delbianco, Marc Morello, Lenny Dinotte, Mathew Mulham, Corinne Mulham, Daniel Donovan, Carolyn Mundy, Roy Edwards, Nelson Garcia, Thomas Mundy, Joseph Murphy, Anthony Girodano, Nancy Murphy, Robert Goffredo, Rafael Gutierrez, Maureen Nogan, Richard Nogan, Otto HAvell, III, Robert Henri, John Quevedo, Alfred Retundie, Austin C. Johnson, Carol Retundie, Omar Malave, Alice Rivera, John Menoni, Mickey Nardiello, Vincent Rivera, Donald Striffler, Frank Ozello, Thomas Perry, Mary Jane Striffler, Juan Rullan, Thomas Perry, Robert Van Houten, Robin Van Houten, Raymond Russo, Andrea Weisenburger, George Snyder, Alexis Solomon, Gregg Weisenburger, Michael Welsh, John Pankey, Theresa Welsh, Rafael Garcia, individually and as representatives of a class of individuals similarly situated, John Lombardi, individually and as representatives of a class of individuals similarly situated, John J. Quinn, Attorney, Kenneth J. Strohl, Hasan A. Muhammad, individually and as representatives of a class of individuals similarly situated, Roberto Ramos, Jr., individually and as representatives of a class of individuals similarly situated, Yajaira Strohl, Michael R. Basile, Arlene Montalvo, Richard Mighdoll, Thomas E. Carlstrom, Kathy O'Neill, Colleen Ryan, J. Richard Ryan, Robert O'Neill, Richard Ryan, Telma Alvarado, Robert Asinelli, Frank Maisano, Julie Maisano, Susan Asinelli, Arthur S.

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 Davis, Daniel Danzi, Jo Andrusyczyn, Gabriel  
 Masaracchia, Stanley Andrusyczyn, Hector Rivera,  
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 Fisher, Dorothy Rohr, Nancy DiFalco, Jon Marie  
 Fisher, Patrick Donaghy, John Rohrbeck, Agustin Diaz,  
 Susan Allison, Richard Allison, Daniel Doll, Juan  
 Cubero, Lisa Doll, John Glynn, Rosa Cubero, Jeanne  
 Kolarik, Mary Glynn, Mark Bernheimer, Sharon Sellick,  
 Gary Grisolia, Arthur Alessandro, Joseph Aridzzzone,  
 John Delaney, Patrick D'Alliegro, Joann Grisolia, Bruce  
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 Marcia Diaz, Daniel Mahlmann, William Diaz, Charles  
 La Barbera, Tracey L. Mahlmann, Catherine Langerin,  
 Bryan McElwain, Philip J. Pfersching, Felicia  
 McElwain, Carolyn McGuire, Kevin Reynolds, Robert  
 McGuire, Jane McKenna, Joseph Cardinale, Teresita  
 Cayatano, John McKenna, Robert Intartaglia, Joann  
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 John Mills, Margaret Mills, Alfred Gaillard, Ernest  
 Medaglia, Jennifer Morales, Nicholas Morales, Adilline  
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 Elliott Miller, Nicole Lutfi, Joseph Nacarolo, Loan  
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 Rampersad, Boroido Rivera, Jennifer Roberts,  
 Desmond Loughran, Jean Vasconi, Emil Borg, Maylee  
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Duval, James Griffin, Jennifer Griffin, Celeste Haas, Scott Haas, Brian Hearn, Kathleen Hearn, Debra Huhn Hewson, Michael Hewson, Mary Ellen Lanigan, Michael Lynch, Tina Lynch, Michael Brigante, Steve Cappello, Paul Carpenteri, John Kear, Christopher O'Rourke, Salvatore Palmeri, Wendy Henry, Joseph Leahy, Sandra Leahy, Allison Edwards, William Edwards, Patrick Arcese, Carlos Perez, James Cooney, Samuel Provisero, Susan Marie Provisero, Denise Esposito, Robert Esposito, Doug R. Horning, James Kelly, Benito Berrios, Jr., Chaundolyne Mack, Debra Maggiani, Nabil Hussain, Michael Giganti, Josephine Damato, Michael Damato, Carmen Fernandez, Joseph Nolan, Police Officer, Lana Nolan, Mickey McFarland, Elaine Wint, Helen Mulcahey, Catherine Siano, Thomas Siano, Karen L. Simpson, William Simpson, Correction, James A. Howard, Elizabeth Stewart, Richard Maiorino, James Monahan, Police Officer, John Urso, William Schillinger, Kathy Slizewski, Kenneth Slizewski, Alfred MacDonald, Kelly Macdonald, Lori McPartland, Michael McPartland, Edgar Mendez, Tasha Mendez, Christopher O'Donnell, Stephanie O'Donnell, Ana Fox, Robert Fox, Donna Cirino, Martin Kelly, Shane Dresser, Patrick McVey, Christopher Misciagna, Ellen Collins, Debra Curcio, Peter Curcio, Patricia M. DiGiovanni, Kathleen Fullam, James Fullam, Jacqueline Miller, James Miller, James Mullen, Trustee, Kim Mullen, John Murphy, Suzanne Murphy, Dan Potter, Jean Potter, James Service, Rebecca Service, John Condon, Cynthia Vitera, Christopher Lavin, Dawn D'Agostino, Philip D'Agostino, Bozena Kajewska-Pielarz, Joesf Pielarz, Christine Panarella, Michael Panarella, Andrew Scallo, Diane Scallo, Maureen Colgan, Patrick J. Colgan, John R. O'Keefe, Sandra O'Keefe, Khemraj Singh, Antonio Martino, Nicole Martino, James Baumann, Richard Bittles, Cesar Bonilla, Joanne Bonilla, Daniel Gilroy, Maureen Gilroy, George Rodriguez, Marguerita Rodriguez, Thomas Callaghan, John Harkins, Police Officer, Kevin Kerrigan, Iris Lopez, Margaret O'Keefe, John Marksp, Lisa Marks, Anthony Marden, Theodore Sergio, Christina Marden, Kathleen Doerler, William Unger, Walter Bieber, Deirdre O'Donnell, Joseph O'Donnell, Allen Akers, Mary Akers, Betty Harrison, Yvonne Leon, Robert Garrett, Karen Labetti, Michael Labetti,

Michael Rooney, Penny Rooney, John Rohr, James Melendez, Edward Galanek, Luz Cardona, Elizabeth Connolly, James Connolly, Catherine Musto, Louis Musto, Gerald Quill, Linda Quill, Edward Scharfberg, New York City Police Officer, Marylee Scharfberg, Christine Voce, Gregory Voce, Cora Weihs, Joseph Weihs, Suzanne Worontzoff, Walter Worontzoff, Anna Zecca, George Zecca, Barbara Lopez, Manuel Lopez, Thomas Lennon, Aida Valdiulezo-Nieto, Edward Learning, Victoria Learning, Hamide Cagatay, Zebebulah Cagatay, Jose Calle, Rudolph Geiger, Carolyn Bryson, Robert Mule, Charity Oberdier, Jeffrey Oberdier, Deborah Scotto, Dominick Scotto, Louis Quadrino, Sonia Quadrino, Michael J. Surianello, Frank Danetra, John Warren, Sheryl Warren, Edwin Pagan, Daniel Kemmet, Doell Kemmet, Ferdinand Sanchez, Sanchez Maria, Julia Valentin, William Valentin, Sophie McGill, Mary McGrory, Anthony Heitz, Ruth Marie Heitz, Peter Dalton, William English, Robert McCracken, Chief, Walter Lane, Brian Divis, Christopher Destefano, Anna Patricia Cantos, Richard Saccomagno, Charles Dell'accio, Ilkhah Dell'accio, June Dibetta, John McGill, Robert McGrory, Carl Delgado, Carolyn Cicero, Joseph Cicero, Donna O'Byrne, Michael O'Byrne, Patricia Ryan, Terrence Ryan, Ronald Brandt, Paul Caminiti, Patrick Coleman, Robert Cooke, Thomas Dowdle, Claudette Cruickshank-Davis, William Collins, Michael Kelley, Dee A. Fraley, Gerald E. Fraley, Joseph Greco, Judy Greco, James Francis, Karina A. Francis, Hector Diaz, Linda Diaz, Scott Dabreu, Michael Divirgilio, Frank Ingenito, Michael Pluchino, Robert Schuman, Jerome Willis, Hector Fernandez, Angie Febres, Christopher Hynes, Leslie Hynes, William Henderson, Maria Henderson, Maryanne Hinchy, George O'Connor, Allison Kapezack, Steven Kapezak, Mary Imbornoni, Thomas Imbornoni, Daisy Ibanez, Diomedes Ibanez, Doreen Kozak, James Knight, Roxanne Knight, Christopher Kuchler, Soojin Kuchler, Carolyn Leibowitz, Leslie Leibowitz, Anthony O'Brien, Patricia O'Brien, Terrance Frontis, Vincent Ligotti, Jay Levine, Maria O'Neill, Thomas O'Neill, Judy Chin, Tommy Chin, Deborah Lonnberg, Ronald Lonnberg, Steve Lovergine, Jerome Kazlauskas, David Andre Liferidge, Patricia Havelka, Rudolf Havelka, Antonio Silva, Esperanza Silva, Diana Trinidad, Edictor



Trinidad, Albert Sheppard, Patricia Sheppard, Rosemary Johnson, Stephen Johnson, Geraldine R. Sabatasso, Robert Ryan, Holly Mulhern, Richard Mulhern, Denise Sullivan, Jimmie Sullivan, Joseph Haddock, Zenobia Walji, Mark Lenigan, Jeaan Marie Whelan, Patrick Whelan, Alinda Durkin, John Durkin, Anthony D'Angelo, Laura D'Angelo, Barry Felder, Thomas Glaudio, John Faust, Rosemarie Faust, Charles Wassil, Patricia Wassil, William Luciani, Daniel Taylor, Lynn Taylor, Teresa Hartley, Robert Zane, Albert Pearce, Robert Suarez, Antonio E. Alves, plaintiff in matters 05-cv-7266 & 05-cv-2716, Maria E. Alves, plaintiff in matters 05-cv-7266 & 05-cv-2716, Raymond Hauber, in his representative capacity as executor of the Estate of Raymond Hauber, now deceased, Christine Stinchcomb, Lisa Reynolds, John Tiska, Lorraine Dadabo, Todd Lum, David Zephrrine, Josephine Zephrrine, Debra Hutchinson, Don Hutchinson, Michael Hughes, Christine Hutchinson, Robert Hutchinson, Martin Zollner, Imie Zollner, William Mulcahey, Ann Hock, Joseph Hock, James Howard, Elizabeth Stewart, Herbert Stewart, Anna Fittipaldi, Tyrone Lott, John Lonnborg, Susan Woods, Dominick Rutigliano, Joelle Rutigliano, Ann Marie Schilling, Chalres Schilling, Linda Solis, Lucio Solis, Louise McNiece, Patrick McNiece, Frank Farrugia, Karen Farrugia, Frank Farrugia, Kathleen Tracy, Peter Tracy, Richard Passeretti, Richard Maoiorino, Gary Tolesp, Karline Toles, Daniel Magrino, Virginia McGill, Keith McGill, Christopher Murphy, Gary Mangiapia, Paul Mazzilli, James Monahan, Police Officer, Stephanie Urso, Mary Anne Schillinger, William Schillinger, Lori McParland, Michael McParland, Darren Brindisi, Alviri Foster, Pamela Gauci, Hugh Bradshaw, Christopher Greeff, John Capenito, Kevin Capenito, Alisa Columbia, Chris Columbia, Pete Franzone, Anita Cozza, John Cozza, Luz Botero, Carolyn Cuneo, Cory Cuneo, Daniel Conroy, Suzanne Conroy, Tyrell Anderson, Dominic Bonomonte, Maria Asencio, Luigi Cuffari, Sharon Cuffari, Annabel Baratta, Michael Baratta, Roy Barefield, Sybel Barefield, Christine Cunningham, Michael Cunningham, Patricia Bullen, Thomas Bullen, Christine Corbett, Patrick F. Corbett, Annette Leary, Santy Bermudez, Bridget Cacavio, Thomas Cacavio, Joseph Cowell,

Ralph Fragapane, Vera Fragapane, Holly Andersen,  
 Jason Andersen, Gail Corrao, Louis Corrao, Michael  
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 Glacken, Maria Cinquemani, Victor Cinquemani,  
 Anthony Giorando, Marisa Giorando, Gerard Gavin,  
 Mary Gavin, Denise Donato, Greg Donato, Maria  
 Criollo, Jose Criollo, Louis Buglione, Winifred  
 Buglione, Louis Gyuris, Nicholas Boscaino, Christine  
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 Cynthia Cooke, John Antoniadis, Anthony Cummo,  
 Christine Cummo, De'Andre Berry, Renee Berry, Ann  
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 Carolyn Bavaro, Anthony Franzolin, Daniel Fernandez,  
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 Aaron Edelman, R. Delia Mannix, Richard Mannix,  
 Beverly Hovell, Richard Hovell, Charles Maxwell,  
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 Papasodero, Brian McGreever, Ileana McGreever,  
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 Dawn Kirchner, Ronald Kirchner, Dale Pizzo, Frank  
 Pizzo, Jenniffer Schojan, Peter Schojan, Donna-Marie  
 Gullo, Karin Fox-Taft, Patricia DeJesus, Andre  
 Escalera, Donna Stacey, Louis Stacey, Elisabeth  
 Mancini, Ron Mancini, Enrigue Cruz, Gladys Cruz, Jose  
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 Lizette Carvajal, Richard Harris, Patricia Mullaney,  
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 Walters, Star Walters, Irene O'Donnell, Charles  
 Langone, Janet Langone, Cheri Rontondi, Mark  
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 Munro, Sandra Nemeh, Steven Nemeh, Dara Moore,  
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 Boswell, Robert Boswell, Robert Melendez, Sarita  
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 Rushmore, Evelyn Ruiz, Juan Ruiz, Andrea Bowles,  
 Donald Bowles, Lamont Daniel, Susan Daniels, Jean  
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 Camarda, Elizabeth Dwyer, Patrick Dwyer, Michael  
 McDaniel, Sharon McDaniel, Thomas Cruz, Elaine  
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 Ruiz, Edward Irving, Eileen T. Irving, Nancy Regan,  
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 Henges, Nidal Henges, Al Laner, Linda Laner, James  
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 Joanne Murphy, Christian Sollecito, Elizabeth Sollecito,  
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 Stacey O'Rourke, Kevin O'Rourke, Alice Norkevich,  
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 Genovese, Daniel Joyce, Clifford Kartell, Susan Kartell,  
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Jamal Williams, Camile Baker, William Baker, Jenifer Streng, Joseph Streng, Christopher Bacchi, Jose Bacchi, Fred LaFemina, Robin LaFemina, Lisa D. Maitland, Noel Maitland, Cynthia Dellaporta, Michael D. Dellaporta, Judith Longa, Thomas Longa, Julio C. Rosario, April Rojas, Carlos Rojas, Anita Thomson, Dennis Thomson, Arnold Hardman, Sharon T. Hardman, Christopher Ryan, Erin P. Ryan, John Rodelli, Kathy Rodelli, Dorothy Cunningham, Tom Cunningham, Augustine Sciabarassi, Patricia Sciabarassi, James Tierney, Mary Tierney, Thad Todd, Detective, Anthony P. Roy, Donna Roy, Nicholas Morrone, Robert Kenavan, Veronica Kenavan, Ariel James, Ava James, Belinda Gonzalez-Ruane, Tye Butler, Peter Cooper, Maria Cooper, Joseph M. Urso, Bruce Gerrie, Debra A. Gerrie, Kevin Barry, Lorraine Barry, Keith Richards, Teresa Arca, William Ziegelmeir, Patrick Desarlo, Noreen Desarlo, Antoinette Cacovic, Alexander Cacovic, William Geer, Randy S. Brenner, Andrew Porazzo, Pawel Krasko, Denise DeAngelis, Karen Doty, Ricard Doty, James Arca, Marion Slawinski, Marie Slawinski, Joanne William, Dreu Williams, Eugene Dalton, Nan Dalton, Richard Eulie, Yvonne Eulie, Michael Briskie, Silva Briskie, Steven Kepley, Michael Gentile, Nurul Amin, Mark DeMauro, Gina DeMauro, Daphna Blacksea, Victor DiPierro, Lucy DiPierro, Robert Coletti, Phylis Coletti, Marco A. Mendoza, Carolina Mendoza, Peter Tartamella, Frances Tartamella, Michael Sullivan, Jennifer Sullivan, Christopher Wanker, Meghan Wanker, Bill Cavanaugh, Margaret Cavanaugh, Raymond Denninger, Vicki Denninger, Thomas Dawber, Anna-Marie Dawber, Jaime Cruz, Katherine Cruz, Ralph Madonna, Michael Restagno, Maria Restagno, Colin Byrne, Christopher Dowd, Barbara Dowd, Paul Jaeger, Carolyn Jaeger, Kenneth Quest, Susan Quest, Anna Abad, Aly Abdelrehim, Hala Abdelrehim, Leonard Abruzzese, Caryn Abruzzese, Albert Acierno, Holly Acierno, Peter Acquaro, Kathleen M. Acquaro, Guiseppe Acquista, Robert Adams, Lahissi Adetayo, George Affatato, Lois E. Affatato, Emmanuel Agostini, Calogero Agro, Rosa Agro, Carmelo Agro, Steven Agugliardo, Nicole Agugliardo, Robert Aguirre, Patricia Aguirre, Inderpaul Ahluwalia, Manjeet Ahluwalia, Nasar Ahmed, Okpara Akil, Ronnita Akil, Vivencia Alaimo, Serafina Alaimo,

Anthony Albert, Sylvester Alexander, Debora  
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 Kevin Allen, June Allison, Raul Allivar, Anthony  
 Alloggio, Catherine Alloggio, Orlando Almodovar,  
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 Alvarez, Carlos Alvarez, Saul Alvarez, Santiago Alvear,  
 Jorge Alvlema, Glenda Ammon, Louis Ancona,  
 Anthony Anderson, Orenthal Anderson, Gregory  
 Anderson, Nicole Anderson, Joseph Anderson, Andrea  
 Anderson, Mortimer Anderson, Camile Anderson,  
 Courtney Anderson, Mark Andrus, Pino Anselmo, Rita  
 Anselmo, Stewart Anspach, Nick Antico, Anna Antico,  
 Peter Antienne, Evanie Antine, Richard Antonacci,  
 Robert Anzalone, Ann Marie Anzalone, Joseph  
 Anzueta, Jose Aponte, Noemi Aponte, Vincent Aprea,  
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 Arichabala, Dagoberto Aristizabal, Alexandra  
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 Arroyo, Lisa Asaro, Joseph Asciolla, Francine Asciolla,  
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 Anna Aviles, Lawrence Ayers, Patricia Ayers, Victor  
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 Baker, Chris Balabous, Rosanne Baldo, Krishendath  
 Baliraj, Olga Baliraj, Joseph Barbato, Joseph Barbera,  
 Virginia Barbosa, Stalin F. Barccoulong, Michael  
 Barker, Raymond Barksdale, Elizabeth Barksdale,  
 Andrew Barone, Ann Marie Barone, Sergio Barragan,  
 James Bartlet, Yudelka Bartlet, Guillermo Barzola,  
 Wilbert Bascom, Setna Bascom, Anthony Basic,  
 Thomas Basmagy, Nancy Basmagy, Harry Bass, Maria  
 L. Bass, Julio Bastidas, Max Bataille, Jr., Linda Battle,  
 Richard Battle, Frank Bauman, Alise L. Bauman,  
 Christopher A. Bauman, Hanfort Bautista, Patrick J.  
 Beatty, James Beck, Christine Beck, Paul Beck, Tinel

Bedford, Leonard Beecher, Fanny Bejarano, Theadore Belgrave, Amy Beller, Timothy Bellew, Kathleen A. Bellew, Dimitrios Bellos, Martin Belmonte, Eileen Belmonte, Xavier Beltran, Florinda Benavidez, Lori Bencivenga, Thomas L. Bencivenga, Rose Marie Bencivenga, John Benedetto, Theresa Benedetto, Vinny Benenati, Cindy Benenati, Andrew Benfante, Shirley Benfante, Reynaldo Benitez, Richard Benn, Ann Benn, Carlos Bennett, Donna Bennett, Peter Bergin, Susan Bergin, Erick Bermudez, Frank Beshears, Diane Bethea, Idris Bey, Michael Bianchino, James A. Bianco, Terry Bianco, Vito Bianco, James Bieselin, Lorraine K. Bieselin, Joseph F. Biella, Roseann Bilella, Robert Bilella, Maureen Bilella, Vincent Bilella, Martin Bilinski, Catherine Bilinski, Kampta Bishun, Hassena Bishun, Peter Bishun, Elizabeth Bishun, John Black, Patricia Black, Joseph Black, Veronica E. Black, Leon L. Blackwell, Jorge Blanco, Dora Blanco, Leroy Blount, Eleanore Blount, Thomas Blumbergs, Kevin Bobe, Nicholas P. Bolobanic, Joy H. Bolobanic, Anthony Bombace, Jean Bombace, Jay Bomser, Daniel Bonanno, Frank E. Bondeson, Kathleen Bondeson, Edward Smith, Dennis M. O'Connor, Nicholas Lusuriello, Thomas M. Flanders, 22 Non-Resp, Darlene Montalvo, Paula Raehse, Daniel DeGiovine, Joette DeGiovine, All Plaintiffs, Harold Valencia, Natalie Valencia, Christopher Cirino

Plaintiffs,

City of New York, AMEC Construction Management, Inc., AMEC Earth & Environmental, Inc., Bovis Lend Lease LMB, Inc., Evergreen Recycling of Corona (E.R.O.C.), Turner/Plaza, A Joint Venture, A Russo Wrecking, Inc., Plaza Construction Corp., Atlantic-Heydt Corporation, Tully Construction Co., Inc., Turner Construction Company, Berkel & Company Contractors, Inc., Big Apple Wrecking & Construction Corp., Board of Education of the City of New York, Breeze Carting, Inc., Breeze National, Inc., Brer-Four Transportation, Buro Happold Consulting Engineers, PC, C.B. Contracting Corp., Canron Construction Corp., Component Assembly Systems, Inc., Cord Contracting Co., Inc., Dakota Demo-Tech, Diamond Point Excavating Corporation, Diversified

Carting, Inc., DMT Enterprise, Inc., E. J. Davies, Inc., Eagle One Roofing Contractors, Inc., En-Tech Corporation, Ewell W. Finley, P.C., Executive Medical Services, P.C., Fleet Trucking, Inc., Francis A. Lee Company, FTI Trucking Corp., Gilsanz Murray Steficek, LLP, Goldstein Associates Consulting Engineers PC, Hallen Welding Service, Inc., HP Environmental, Inc., Hudson Meridian Construction Group LLC, J.P Equipment & Rental Materials, L.L.C., La Strada General Contracting Corp., Laquila Construction, Inc., Leslie E. Robertson Associates , R.L.L.P., Liberty Mutual Insurance Company, Lockwood Kessler & Bartlett, Inc., MRA Engineering P.C, Mueser Rutledge Consulting Engineers, Nacirema Industries Inc., New York City Department of Education, Manafort Brothers Incorporated, New York City School Construction Authority, New York Crane & Equipment Corporation, Nicholson Construction Company, Peter Scalamandre and Sons, Inc, Pinnacle Environmental Corporation, Pro Safety Services Inc., PT&L Contracting Corporation, Robert L. Gerosa, Inc., Robert Silman Associates, P.C., Moretrench American Corp., Rodar Enterprises, Inc., Royal GM Inc., SAB Trucking, Inc., Safeway Environmental Corporation, Sencor Equipment & Manufacturing Corporation, Silverite Contracting Corporation, Simpson Gumpertz & Heger, Inc., Skanska Koch, Inc., Skidmore Owings and Merrill, L.L.P., The City University of New York, Thornton Tomasetti, Inc., Total Safety Consulting, LLC, Tucci Equipment Rental Corporation, Vollmer Associates LLP, Weeks Marine, Inc., Weidlinger Associates P.C., Wolkow Braker Roofing Corporation, WSP Cantor Seinuk, Yannuzzi & Sons, Inc., Yonkers Contracting Company, Inc., Lucius Pitkin, Inc., LZA Technology, a division of Thornton Tomasetti, Mazzocchi Wrecking, Inc.,

Defendants.

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The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1. Each party has submitted a separate electronically signed counterpart reflecting the negotiated terms of the stipulation.

The stipulations are hereby "So Ordered".



For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

  


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  
